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3 October 2001

Date

STEPHEN T. MURPHY

42,917

Name

Reg. No.

Signature

Case 7533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
David D. McKay et al. :  
Serial No. 09/586,270 : Group Art Unit 1731  
Filed June 2, 2000 : Examiner: Eric Hug  
Confirmation No.: 6472 :  
For: Low Viscosity Bilayer Disrupted :  
Softening Composition For Tissue Paper :

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RESPONSE TO OFFICE ACTION DATED SEPTEMBER 4, 2001

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of September 4, 2001, please consider the following remarks.

RESTRICTION REQUIREMENT and PROVISIONAL ELECTION OF SPECIES

The Examiner has required restriction for examination purposes under 35 U.S.C. §121. The Examiner requires election based on the following groups:

Group I: Claims 1-25 as being drawn to cellulosic structures and a chemical composition for softening a cellulosic structure.

Group II: Claims 26-45 as being drawn to methods of producing a soft tissue paper product.

The Examiner has required an election of a single species for prosecution on the merits pursuant to 35 U.S.C. §121. Applicants traverse this restriction as being improper. Both 35 U.S.C. §121 and 37 C.F.R. §1.142 allow for the requirement by the Examiner to elect one invention if "two or more independent and distinct inventions are *claimed* in a single application."

Ser. No. 09/586,270

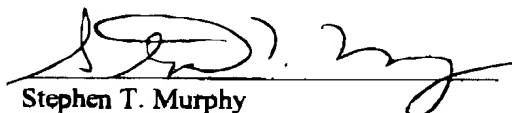
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Applicants submit that the present invention claims a single invention, the chemical composition for softening cellulosic structures, the resultant cellulosic structures and the method of using that composition to soften cellulosic structures. Applicants respectfully request that the restriction requirement be withdrawn.

In order to meet the requirements of 37 C.F.R. §1.143, Applicants provisionally elect, with traverse, Claims 1-25 in Group I.

Respectfully submitted,



Stephen T. Murphy  
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3 October, 2001

Customer No. 27752

# **The Procter & Gamble Company**

## **Facsimile Cover Sheet**

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**Serial #09/586,270 - P&G Case No. 7533**

**Date:** October 3, 2001

**TO: Examiner Eric Hug**

**Company:** The Patent & Trademark Office

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